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**FEB 16 2005**

TO: Examiner David Owen Reip, Group Art Unit 3731

FAX NO.: 703.872.9306

FROM: Sheldon R. Meyer, Reg. No. 27,660

DATE: February 16, 2005 Total Pages : 11

Original will follow by mail: NoIf you do not receive all of the pages, please call Tammy Kaplan at 415.362.3800.

In re Application of:

U.S. Patent Application No. 10/790,561

Conf. No.: 9704

Filed: March 1, 2004

Group Art Unit: 3731

Inventors: James F. Zucherman, Ken Y. Hsu, Henry A. Klyce

For: "SPINOUS PROCESS IMPLANT WITH TETHERS"

Attorney Docket No.: KLYC-01095US0

Transmitted herewith is:

1. Preliminary Amendment (8 pages); and
2. Amendment Transmittal (2 pages).

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## In re Application

Inventor(s): James F. Zucherman, Ken Y. Hsu, Henry A. Klyce  
Appl. No.: 10/790,561  
Confirm. No.: 9704  
Filed: March 1, 2004  
Title: SPINOUS PROCESS IMPLANT WITH TETHERS

PATENT APPLICATION

Art Unit: 3731  
Examiner: David Owen Reip

Customer No. 23910

## CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the Commissioner for Patents, the United States Patent and Trademark Office, Examining Group 3731, Facsimile No. (703) 872-9306, on February 16, 2005.

Sheldon R. Meyer, Reg. No. 27,660  
Signature Date: February 16, 2005

(Attorney Signature)

## REPLY TRANSMITTAL LETTER

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted with this communication in connection with the above-identified application are the following:

☒ A Preliminary Amendment

The fee associated with this communication has been calculated as shown below:

☒ No fee is required with this communication.

☒ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been established.

- 1 -

Attorney Docket No.: KLYC-01095US0 SRM  
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FEES	Claims Remaining After Amendment	Highest Number Previously Paid For	Present Extra	Rate Small Entity/Other Than Small Entity	Total
TOTAL CLAIMS (37 CFR 1.16(c))	<u>23</u> * -	<u>32</u> **	<u>0</u>	X \$ 25.00 X \$ 50.00	\$ 0.00
INDEPENDENT CLAIMS (37 CFR 1.16(b))	<u>7</u> * -	<u>8</u> ***	<u>0</u>	X \$ 100.00 X \$ 200.00	\$ 0.00
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS (37 CFR 1.16(d))				+ \$ 180.00 + \$ 360.00	\$ 0.00
				TOTAL	\$ 0.00

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

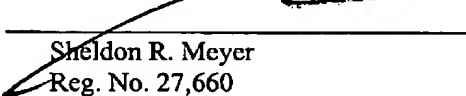
\*\* If the "Highest Number of Previously Paid For" in this space is less than 20, enter "20".

\*\*\* If the "Highest Number Previously Paid For" in this space is less than 3, enter "3".

☒ The Commissioner is hereby authorized to charge any deficiencies or credit overpayment to Deposit Account No. 06-1325.

Respectfully submitted,

Date: 2/16/05

By:   
Sheldon R. Meyer  
Reg. No. 27,660

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- 2 -

Attorney Docket No.: KLYC-01095US0 SRM  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventors: James F. Zucherman, Ken Y. Hsu, Henry A. Klyce  
Application No.: 10/790,561  
Confirmation No.: 9704  
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PATENT APPLICATION

Art Unit: 3731

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for Patents, the United States Patent and Trademark Office, Facsimile No. (703) 872-9306,  
on February 16, 2005

Signature

Sheldon R. Meyer, Reg. No. 27,660  
Date: February 16, 2005

## PRELIMINARY AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

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This Preliminary Amendment is being made for the purpose of amending some of the original claims and adding new claims 33 to 47. Entry of this Preliminary Amendment prior to examination is requested. Also enclosed herewith are the fees due for the addition of claims

**Amendments**

Please amend the above-identified application as follows:

Amendments to the claims begin on page 2 and

Remarks begins on page 7.

- 1 -

Attorney Docket No.: KLYC-1095US0 SRM/CHJ  
chj/KLYC-1095US0.Prelim Amd.doc